



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

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**Fiscal Note**

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**Drafting Number:** LLS 23-0898 **Date:** March 27, 2023  
**Prime Sponsors:** Sen. Winter F. **Bill Status:** Senate Local Government  
Rep. Michaelson Jenet; **Fiscal Analyst:** Clayton Mayfield | 303-866-5851  
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**Bill Topic:** **DISCLOSE RADON INFORMATION RESIDENTIAL PROPERTY**

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**Summary of Fiscal Impact:**

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|-------------------------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> State Revenue     | <input type="checkbox"/> TABOR Refund            |
| <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government        |
| <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity |

The bill requires property sellers, landlords, and real estate brokers to provide radon disclosures to buyers and tenants. In FY 2023-24, the bill minimally increases state workload, and may minimally increase state revenue and workload on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the introduced bill.

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**Summary of Legislation**

The bill establishes that buyers or renters of residential property have the right to be informed of whether a property has been tested for elevated levels of radon. The bill requires sellers or landlords of residential property to provide warnings about the dangers of exposure to radon and to disclose certain information about radon presence or mitigation at a specific residential property. If a seller or landlord fails to provide this information, then a buyer or tenant has a cause of action against a seller or landlord. Real estate brokers must take reasonable actions to ensure their clients comply with radon disclosure requirements.

**State Revenue and Expenditures**

The bill impacts state revenues and expenditures as described below.

**Department of Regulatory Agencies.** Workload in the Department of Regulatory Agencies will minimally increase to create required radon disclosure forms, conduct outreach and education, and promulgate any rules necessary to implement and administer the bill, with legal support from the Department of Law. Overall, any increase in workload and legal services is expected to be minimal and no change in appropriations is required.

**Judicial Department.** The bill primarily impacts contracts between private parties, who are assumed to follow the law. The bill may increase the workload of the trial courts to the extent additional civil cases are filed. State revenue from filing fees may increase beginning in FY 2023-24. This fee revenue is subject to TABOR. Overall, any impact from new civil cases is expected to be minimal and no change in appropriations is required.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to contracts and lease agreements entered into on or after the effective date.

## **State and Local Government Contacts**

Judicial  
Regulatory Agencies

Law

Local Affairs